

EXHIBIT A

DR. MITCHELL CHASIN

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CASE NO. 3:16-cv-08523-FLW-TJB

NEW REFLECTIONS PLASTIC :
SURGERY, LLC, :
Plaintiff, : VIDEOTAPED
-against- : DEPOSITION OF:
MITCHELL CHASIN,
M.D.
REFLECTIONS CENTER FOR SKIN
AND BODY, PC, :
Defendant. :
X

TRANSCRIPT of testimony as taken by and
before SEVA FLICSTEIN, Certified Court Reporter,
Registered Merit Reporter, Certified Realtime
Reporter, at the law offices of LERNER DAVID
LITTENBERG KRUMHOLZ & MENTLIK, LLP, located at
600 South Avenue West, Westfield, New Jersey, on
Thursday, November 2, 2017, commencing at 2:04
in the afternoon.

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A P P E A R A N C E S:

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1 lunch..

2 A. I came an hour before and spoke
3 with my attorney.

4 Q. Did you review any documents in
5 preparation for the deposition today?

6 A. Review any documents. He did not
7 present me with any documents to look at, no.

8 Q. Well, I guess my question was did
9 you look at any documents? Whether it was with
10 him or by yourself in preparing --

11 A. Some of the things we sent to you,
12 such as our profit and loss statement, I had in
13 front of me, my own records. But the attorneys
14 did not present me with any documents to review.

15 Q. Besides the profit and loss
16 statements that you mentioned, anything else you
17 reviewed in preparation for this deposition?

18 A. No, no.

19 Q. Do you understand that you are
20 appearing today at this deposition in your
21 individual capacity, and also as the designated
22 30(b)(6) witness on behalf of your company
23 Reflections Center for Skin and Body? Do you
24 understand that?

25 A. Yes.

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1 Q. And pricing of your products and
2 services, of course, I think are covered by some
3 of the other topics as well.

4 A. Also supplied to you.

5 Q. Yes. Thank you.

6 I would like to get a little bit
7 of background, some of your background, on the
8 record. Can you tell me when you graduated from
9 medical school, what year?

10 A. 1985.

11 Q. And you did your -- you did a
12 residency after that?

13 A. Yes.

14 Q. And where did you do your
15 residency?

16 A. At Overlook Hospital.

17 Q. Where is that located?

18 A. Summit, New Jersey.

19 Q. And what was the focus of your
20 residency?

21 A. Family medicine.

22 Q. Did you do any fellowships after
23 that or any other additional training?

24 A. Lots of training.

25 Q. What did you do after your

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1 residency in family medicine?

2 A. We opened up a private practice.

3 Q. "We" is who? You and --

4 A. Partner and I.

5 Q. Who is your partner?

6 A. Ian Brodrick.

7 Q. How do you know Ian? How do you
8 know Brodrick?

9 A. How do I know him?

10 Q. Yes.

11 A. Presently?

12 Q. No. Back at that time.

13 A. How did I meet him? I don't --

14 Q. How do you know him? How did you
15 get to know him?

16 A. We trained together.

17 Q. In residency?

18 A. Yes.

19 Q. Is he also a family doctor?

20 A. Yes.

21 Q. Just the two of you opened the
22 practice?

23 A. Yes.

24 Q. Are you guys friends?

25 A. Define what that means. I

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1 don't --

2 Q. Do you have a relationship -- did
3 you or do you have a relationship outside of
4 work together?

5 MR. PARADISE: Objection to form.
6 You can answer.

7 A. Do I have a relationship --

8 Q. A social relationship?

9 A. Not actively, no.

10 Q. Did you have at one time a social
11 relationship?

12 A. Business partners.

13 Q. That's it?

14 A. Business partners.

15 Q. My question is that is it? Just
16 business partners?

17 A. Define "social relationship,"
18 please.

19 Q. Did you spend time together
20 outside of the work environment relating to work
21 activities?

22 A. Related to work activities, if
23 there were outings related to work activities.
24 But there was no --

25 Q. I understand.

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1 A. -- socializing on that basis.

2 Q. When was the last time you were in
3 contact with Dr. Brodrick?

4 A. About six weeks ago. And prior to
5 that probably two, three -- two, three years
6 ago, something like that. I'm not sure.

7 Q. And what was the nature of the
8 contact six weeks ago?

9 A. Just purely calling to say hello.

10 Q. Where does Dr. Brodrick work
11 currently now?

12 A. In New Jersey. I'm not sure of
13 the town.

14 Q. Is he practicing family
15 medicine?

16 A. He is practicing urgent care
17 medicine.

18 Q. What is urgent care medicine?

19 A. It's walk-in care for -- walk-in
20 medical care, basically.

21 Q. Is it a form of a family medicine
22 practice?

23 A. I don't know how that's defined.
24 He is working in a walk-in -- walk-in urgent
25 care center.

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1 Q. It's not an emergency room
2 though?

3 A. Not an emergency room.

4 Q. It would be similar services that
5 a family doctor would provide in a family doctor
6 practice or family medicine practice?

7 A. Some of them. But others,
8 atypical -- more hands-on procedures than you
9 would see in a typical family practice.

10 Q. For example?

11 A. Suturing, repairing wounds, eye
12 injuries, more trauma, more dermatological
13 procedures, more hands-on things.

14 Q. Do you know when he started
15 working in that capacity?

16 A. When he started working at that
17 present center?

18 Q. Yes.

19 A. No, I do not.

20 Q. What did you guys do together when
21 you started your practice -- your family
22 practice together, you and Dr. Brodrick?

23 A. What did we do together?

24 Q. Yes.

25 A. Can you rephrase that?

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1 Q. What kind of practice did you have
2 together?

3 A. Urgent care center.

4 Q. You guys had an urgent care center
5 together?

6 A. Yes.

7 Q. What year are we talking about?

8 A. 1988 or '89.

9 Q. And for how long did you guys work
10 together?

11 A. Until we separated. I'm not sure
12 of the exact year that we separated. 2005, '06,
13 '07, '08. Somewhere in that vicinity. I don't
14 remember the exact year.

15 Q. But around 2005, you would say?

16 A. I don't know.

17 Q. It was in the 2000s?

18 A. It was in the 2000s. I am happy
19 to supply that information to you.

20 Q. And what was the name of your
21 practice in 1989?

22 A. Priority Medical Care.

23 Q. What kind of services did you
24 offer in that practice?

25 A. Walk-in care for anything from

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1 orthopedic injuries to skin conditions to eye
2 injuries to infectious disease care.

3 Q. Would you describe it as a
4 family medical practice?

5 A. An urgent medical facility.

6 Q. Just so we don't get tied down on
7 terminology, both you and Dr. Brodrick were
8 trained in family medicine; correct?

9 A. Correct.

10 Q. So maybe you can help me, when you
11 say "urgent care" --

12 A. That is the office we opened.
13 Priority Medical, it was an urgent medical
14 practice, urgent care medical practice. That's
15 the name.

16 Q. I'm sorry. I'm interrupting you.
17 And physicians that would work in
18 that capacity would typically be internists
19 or --

20 A. Could be family medicine. Could
21 be family medicine. It's a type of practice.
22 It's not a type of physician. It's a type of
23 practice.

24 Q. And, of course, as a family
25 medicine -- as a doctor who is trained in family

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1 medicine, you were perfectly qualified to
2 provide those services --

3 A. Yes.

4 Q. -- fully?

5 A. Yes.

6 MR. PARADISE: Dr. Chasin, if you
7 could just try to let Mr. Keyhani finish his
8 question and then answer. I am seeing grimaces
9 from the court reporter.

10 THE WITNESS: Okay.

11 BY MR. KEYHANI:

12 Q. And you said the name of the
13 practice was called Priority Medical --

14 A. Priority Medical Care.

15 Q. And that was based out of what
16 town?

17 A. Bridgewater, New Jersey.

18 Q. Did you do any cosmetic work in
19 that practice?

20 A. Define "cosmetic work."

21 Q. Well, did you do face lifts or
22 some kind of laser treatment?

23 A. We didn't do --

24 Q. You are the doctor so -- any kind
25 of skin cosmetic work did you do?

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1 A. Skin cosmetic work, yes.

2 Q. What kind of skin cosmetic work
3 did you do at that urgent care practice?

4 A. The urgent care practice was one
5 part of that practice. There was another part
6 of that practice that was developed called
7 Reflections Center for Skin and Body. So as
8 part of Reflections Skin and Body, there were
9 cosmetic treatments that were performed.

10 Q. That was a separate --

11 A. A d/b/a. It was a d/b/a.

12 Q. Please let me finish my questions,
13 kindly.

14 Was that a separate business
15 housed in the same office?

16 A. Describe business -- what is a
17 business?

18 Q. Well, was it a separate practice
19 housed in the same building? Did you provide
20 those services in the same building?

21 A. Those services were initially
22 performed -- yes. The services were provided in
23 the same building, yes.

24 Q. Did the name Reflections -- did
25 you say Reflections Skin? What was it called at

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1 the time?

2 A. Reflections Center for Skin and
3 Body.

4 Q. Was there a sign outside the
5 building or in the office that said Reflections
6 Center for Skin and Body?

7 A. Yes.

8 Q. So when you walked into the office
9 were there two signs, one that said Priority
10 Medical Care, one said Reflections Skin Center
11 for Skin and Body?

12 A. There were two separate signs,
13 yes.

14 Q. At the same front desk that you
15 walked in?

16 A. The front of the building had two
17 separate signs and two separate entrances.

18 Q. On the same floor?

19 A. On the same floor.

20 Q. And did you work in these two
21 practices at the same time? Like, you moved
22 between the two sides of the floor, for example?
23 See one patient, for example, that had an urgent
24 medical care issue, and then you'd walk across
25 and go to the side to deal with --

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1 A. For a period of time.

2 Q. For what period of time?

3 A. I don't remember exactly. But it
4 was a period of time that I saw patients in the
5 medical as well as the cosmetic side of the
6 practice. And then it became primarily the
7 cosmetic part of the practice, my time.

8 Q. When did you start using -- when
9 did you start -- when did you come up with that
10 name and start using the name -- break it up
11 into two parts.

12 When did you start using the name
13 Reflections Center for Skin and Body in that
14 practice?

15 A. Approximate year 2000.

16 Q. So from 1989 through about 2000,
17 Priority Medical Care was not doing any cosmetic
18 work, it was focused on, as you call it, urgent
19 medical care?

20 A. I can't say that it did no
21 cosmetic work. We might have done cosmetic work
22 during that --

23 Q. But there was no Reflections Skin
24 Center?

25 A. Correct.

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1 Q. What type of cosmetic work would
2 you have done between 1989 and 2000 before
3 you --

4 A. Skin disease, suturing repair of
5 wounds. A multitude of skin issues.

6 Q. Any plastic surgery did you do at
7 that time?

8 A. Describe plastic surgery for me,
9 define it. What a layperson defines may be
10 different.

11 Q. Sure. Fair enough. Did you do
12 any type of invasive medical procedures on the
13 face or body for aesthetic purposes?

14 A. Suturing was an aesthetic medical
15 procedure on the face and body. We did that,
16 yes.

17 Q. You would agree that suturing is
18 not always --

19 A. Aesthetic?

20 Q. -- aesthetic?

21 A. Suturing is always aesthetic.

22 Q. In your view, suturing is always
23 aesthetic?

24 A. Suturing should be aesthetic on
25 the face; hopefully it is.

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1 Q. Do you believe suturing is a
2 cosmetic procedure?

3 A. Repair of a skin wound on the face
4 is a cosmetic procedure, yes. Should be.

5 Q. So you said that around 2000 is
6 when you -- it was about 2000 when you started
7 to use the name Reflections Center for Skin and
8 Body, and you put a sign up at that time at this
9 office?

10 A. I don't remember when the sign was
11 installed, but we started to use that name right
12 around the year 2000.

13 Q. Now, you indicated that you did
14 your residency in family medicine. And after
15 that what other training in the medical
16 procedures did you obtain or medical practice
17 did you obtain after your residency in family
18 medicine?

19 A. What other training in family
20 medicine post -- can you --

21 Q. Any medical training?

22 A. Any medical training?

23 Q. Yes. Let's start with --

24 A. Hundreds of conferences, dozens of
25 preceptorships, a multitude of

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1 hands-on -- hands-on training in a variety of
2 different things about the human body.

3 Q. Okay. I am trying to get some
4 chronology here. After that, did -- you didn't
5 do any fellowships, medical fellowships, after
6 your family medicine residency, did you?

7 A. No.

8 Q. You didn't do any additional
9 residencies after your family medicine
10 residency?

11 A. No.

12 Q. You are not a plastic surgeon?

13 A. No.

14 Q. You are not board-certified in
15 plastic surgery?

16 A. No.

17 Q. Did you ever do any residency in
18 surgery, general surgery?

19 A. No.

20 Q. Did you do any other residency in
21 any other specialty or practice other than your
22 residency in family medicine?

23 A. No.

24 Q. So now you spoke about much
25 training. Can you tell me your first or your

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1 first few types of training you did after --

2 A. If I can go back. I have titles
3 of fellow in different organizations.

4 Q. But my question was very specific,
5 if you did a fellowship. And you know what that
6 means in your practice, in --

7 A. Tell me what it means and I will
8 know how to answer.

9 Q. Why don't you tell me for the
10 record so there is no confusion, what is a
11 medical fellowship for medical doctors?

12 A. There is a residency -- there is a
13 residency -- there is residency, there's
14 fellowship, and then there are fellowship in
15 organizations.

16 Q. Understood.

17 A. I want to be clear.

18 Q. I am talking about residency,
19 fellowship. And then we can leave aside
20 fellowship in organizations, which is a separate
21 category, you would agree, right?

22 A. Yes. I just wanted to be clear.

23 Q. I appreciate that. Because we
24 don't want to have any confusion for the record.
25 So after your family -- your

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1 residency in family medicine, you then went on
2 and you mentioned that you did -- you have had
3 much training in seminars, conferences, various
4 other kinds of experiences.

5 A. Uh-huh.

6 Q. Can you describe some of the early
7 training you had after your -- whether they were
8 classes, whether they were conferences, that you
9 had after your family medicine residency, the
10 earlier ones?

11 A. A multitude that would probably
12 take us to the end of today. But they included
13 conferences in the American Society of Laser
14 Medicine and Surgery, conferences in American
15 Academy of Dermatology, laser training directly
16 from manufacturers, hands-on training from
17 injectable manufacturers, networking events with
18 training, preceptorships in doctors' offices,
19 training in doctors' offices, et cetera,
20 et cetera, et cetera.

21 Q. And if you were to describe the
22 focus, if there is, of the various training,
23 your post-family medicine residency training in
24 these various conferences and other forms of
25 training, what would be the focus of the

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1 training, if there is one particular focus?

2 A. Cosmetic medicine.

3 Q. Can you define cosmetic medicine?

4 Because you said even a suture is cosmetic
5 medicine. So what do you mean by cosmetic
6 medicine?

7 A. Cosmetic medicine is the art and
8 action to improve the cosmetic appearance of
9 patients, both nonsurgical as well as surgical.

10 Q. And what particular procedures did
11 you get training in?

12 A. Since 1989?

13 Q. Yeah.

14 A. How much time do you have?

15 Q. Well, I mean --

16 A. I want to know how extensive. I
17 can start now --

18 Q. You can give me the ten or five
19 biggest or most significant training you had.

20 A. Injectable, injectable treatments,
21 laser medicine, liposuction, resurfacing
22 procedures, regenerative medicine procedures,
23 non-skin-based laser procedures,
24 non-facial-based laser procedures. Those are
25 just some main categories.

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1 Q. Fair enough. Good.

2 Are you familiar with the term
3 "invasive" versus "noninvasive" medical
4 procedures as a medical doctor?

5 A. As a medical doctor, yes.

6 Q. Can you define what the
7 distinction is as a medical doctor?

8 A. Most people today consider
9 invasive procedure as one that involves general
10 anesthetic, performed under general anesthesia.

11 Q. Most medical doctors would
12 consider that?

13 A. That's how I define an invasive
14 procedure.

15 Q. Invasive procedure. Do you engage
16 in any invasive -- yourself, do you practice any
17 invasive medical procedures?

18 A. No. If defined as procedures
19 performed under general anesthesia, no.

20 Q. Have you heard or are familiar
21 with the term "minimally invasive"?

22 A. Yes.

23 Q. Can you tell us for the record
24 what does that mean from the perspective of one
25 in the art?

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1 A. So minimally invasive procedure
2 generally refers to a procedure that is done
3 underneath the skin using local anesthesia while
4 a patient's awake.

5 Q. Do you perform minimally invasive
6 procedures?

7 A. Yes.

8 Q. Can you tell me what minimally
9 invasive procedures you perform or have
10 performed?

11 A. As a generalization or individual
12 procedures?

13 Q. Individual procedures. What type
14 of minimally invasive procedures you perform or
15 have performed? Not necessarily today, but over
16 time.

17 A. Laser-assisted liposuction,
18 ultrasound-assisted liposuction, power-assisted
19 liposuction, tumescent liposuction, ThermiTight,
20 tightening for skin, under the skin, Precision
21 TX tightening for skin, cellulite treatment for
22 cellulite. Should I keep on going on?

23 Q. Sure.

24 A. There are procedures done with fat
25 transfer underneath the skin. There's

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1 platelet-rich plasma which is injected
2 underneath the skin. There are procedures that
3 involve processing of fat into components
4 injected underneath the skin. There are
5 procedures for leg veins that are provided
6 underneath skin. I can keep on going on and on.

7 Q. That's fine. Thank you.

8 A. These are minimally invasive.

9 Q. And you are under local anesthetic
10 for these procedures?

11 A. Yes. Everything is under local
12 anesthetic if anesthesia is necessary.

13 Q. Thank you. Who came up with the
14 term Reflections?

15 A. I did.

16 Q. When did you come up with that
17 term?

18 A. Somewhere around the year 2000. I
19 don't know exactly.

20 Q. Did you ever use the term by
21 itself or did you only use it in connection with
22 the name Reflections Center for Skin and Body?

23 A. Reflections as an abbreviation of
24 the term I'm sure has been used, I've used.

25 Q. On marketing materials at your

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1 office? On business cards?

2 A. Business cards normally it would
3 be Reflections Center for Skin and Body. But
4 Reflections is a term that would commonly be
5 used as a shortcut to that, as a descriptor of
6 the name.

7 Q. Did you use that -- do you
8 recollect using that in any particular marketing
9 material? When I say "that" I mean the word
10 just "Reflections" by itself.

11 A. I can't tell you exactly which
12 document. But it wouldn't -- it would be -- it
13 wouldn't be an unusual thing to use the title
14 Reflections rather than the full wording --

15 Q. But you don't recall --

16 A. -- rather than the full
17 descriptor. So it would not be unusual to use
18 the term Reflections to describe our office.

19 Q. Do you recall -- do you have any
20 documentations or recall any time that you
21 specifically used the term Reflections by
22 itself?

23 A. I don't have documentation on me.
24 But that would be a common thing for us to do,
25 to speak about our office as Reflections, to use

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1 that terminology as Reflections.

2 Q. Do you believe you have any
3 documentation -- I'm not finished with my
4 question, please.

5 Do you believe you have any
6 documentation, not on you right now but
7 anywhere, where you only use the term
8 Reflections in connection with your practice or
9 services by itself?

10 A. I haven't searched for it. I
11 haven't been asked to search for it. I haven't
12 searched for it.

13 Q. But you may very well have that?

14 A. I don't know. It certainly would
15 be something that we would use and talk about as
16 a descriptor for the practice. But in terms of
17 maintaining old documents, I would have to look.
18 I just don't know.

19 Q. I believe you were asked for it.
20 So I would like to make a point on the record
21 that we would like any documentation, production
22 of any documentation of any marketing,
23 advertising, letterhead, or any other documents
24 that use the term Reflections by itself in
25 connection with products or services that you

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1 offer.

2 MR. PARADISE: And we'll take that
3 request under advisement.

4 MR. KEYHANI: Thank you.

5 (REQUEST)

6 BY MR. KEYHANI:

7 Q. You said on or about 2000 you came
8 up with the term Reflections to be used in
9 connection with Reflections Center for Skin and
10 Body as a name for this practice that you
11 described. Is that correct?

12 A. Yes.

13 Q. At that time did you register any
14 trademark for that -- for the name Reflections
15 Center for Skin and Body?

16 A. Yes.

17 Q. Where did you register that?

18 A. In New Jersey.

19 Q. Did you register that or did
20 somebody else?

21 A. We had a law firm do that.

22 Q. Now, there are some documents that
23 you've produced that show some assignment of the
24 term Reflections, the trademark that you
25 registered in New Jersey to various entities.

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1 I think you indicated that there was this entity
2 called Reflections Center for Skin and Body that
3 goes back to about 2000?

4 A. Correct.

5 MR. PARADISE: Objection to form.
6 He never identified it as an entity. You are
7 testifying, you are changing testimony.

8 Q. I'm not talking about a legal
9 entity. I am talking about an entity, a
10 business entity. You called it a d/b/a? Is
11 that what you called it?

12 A. I would call it a d/b/a.

13 Q. Doing business as?

14 A. Yes.

15 Q. And it was a practice, you called
16 it; right? A medical practice?

17 A. There were a group of services
18 provided in that -- at that address.

19 Q. With that name, you said? Using
20 that name?

21 A. Under the name Reflections Center
22 for Skin and Body, correct.

23 Q. And those services, you said, were
24 provided under the name Reflections Center for
25 Skin and Body?

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1 A. Correct.

2 Q. On or about 2000?

3 A. Correct.

4 Q. Why is there no reference to that
5 name in this document? Do you have an answer
6 for that? Do you know? Maybe you don't know,
7 but I'm just asking you if you do.

8 A. I don't know specifically.

9 Q. And now this document appears to
10 be signed August of 2011. I am just looking at
11 the document itself. 8/11/2011. Is that right?
12 If you go to the next page, actually, your
13 signature says August 1, 2011.

14 A. Okay.

15 Q. Do you know why that the -- this
16 New Jersey registered -- these New Jersey
17 registered marks that are referenced in
18 this -- I am not asking for a legal
19 interpretation, I am just asking you, you
20 being -- you being a participant in this deal or
21 this assignment by signing it, do you understand
22 why they were assigned over to you -- or
23 assigned not to you, were assigned to
24 Reflections of Livingston in 2011, why at that
25 point in time?

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1 year ago. Right? This is last year.

2 A. Are you asking if it
3 is -- 11/1/16.

4 Q. Yeah. I guess --

5 A. A year.

6 Q. You don't remember. That's not
7 very long ago. Is there any reason why you
8 don't think you would remember signing it?

9 A. I don't have the memory. I sign a
10 lot of forms. If you ask me what it is, it is
11 assignment from Reflections of Livingston to
12 Reflections Center for Skin and Body.

13 Q. Do you know why you would have
14 done this, to assign from Reflections of
15 Livingston --

16 A. These are two entities of which I
17 have ownership, or had ownership, I should say.
18 Had or have.

19 Q. Do you own an entity called
20 Reflections of Livingston LLC right now?

21 A. I think -- we have two locations.
22 One location was Reflections of Livingston in
23 Livingston under the -- I think it's one parent
24 company now, Reflections Center for Skin and
25 Body.

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1 Q. So you believe you own an entity
2 called Reflections of Livingston LLC?

3 A. Reflections of Livingston is an
4 entity that I definitely owned. I don't know if
5 it's an active thing or if they've been merged
6 into one, one entity. So I was a sole owner, at
7 least at one point, of Reflections of
8 Livingston.

9 Q. And you don't know why you may
10 have transferred a trademark between the two
11 entities?

12 A. I would think at the advice of
13 counsel.

14 Q. What kind of services does
15 Reflections of Livingston LLC provide or
16 provided? Because you don't know if you
17 still --

18 A. Same -- same services as we
19 described before.

20 Q. The same services that Reflections
21 Center for Skin and Body provides?

22 A. Correct.

23 Q. Originally when you -- when the
24 registration -- a New Jersey registration was
25 filed for the word Reflections, was that

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1 something that you did or was that something
2 your partner did? Your partner being
3 Dr. Brodrick.

4 A. Our attorneys filed.

5 Q. I understand. But was that at
6 your request? Was it at your partner's
7 request?

8 A. I don't recollect.

9 Q. Do you know if your partner,
10 Dr. Brodrick, had any interest in the trademark
11 Reflections?

12 MR. PARADISE: Objection to form.

13 Q. Economic interest? Money interest
14 in it? Did he have ownership in it?

15 A. At the time -- at the time he was
16 a 50 percent partner.

17 Q. Do you know when this was
18 assigned, and again, this is a 2011 document we
19 are looking at, 02 -- page 22, Bates number 22,
20 did you pay him any money or any other
21 consideration for him to transfer this over or
22 to sign this transfer?

23 MR. PARADISE: Objection to form.

24 A. No.

25 Q. You did not?

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1 A. Not to my recollection, no.

2 Q. Did you ask him to sign this
3 document?

4 A. Not to my recollection. I don't
5 remember this document being signed.

6 Q. Do you know if you did -- you or
7 your attorneys at the time that -- I say your
8 attorneys, the attorneys for the entity Priority
9 Medical Care PA, which was in existence at the
10 time that this registration, New Jersey
11 registration 20852, was filed for, do you know
12 if any search was done, any trademark search was
13 done at that time?

14 A. Prior to filing for a
15 registration?

16 Q. Yes.

17 A. You are asking me what does an
18 attorney do before they file? How would I --

19 Q. I asked did you do a search or did
20 you ask your attorney or anybody else who
21 requested that search on behalf of your
22 practice, asked for a --

23 A. We asked our attorneys -- we had
24 interest in a name and asked if that's something
25 that we could trademark.

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1 applied for by our law firm, and the renewals
2 are done by our law firm.

3 Q. It says -- under the Reflections
4 part it says "Skin and body treatment services,
5 including microdermabrasion, body/skin
6 treatment, massages, et cetera." Those were the
7 services that Reflections of Livingston LLC
8 provided --

9 A. Yes.

10 Q. -- in 2001?

11 A. Yes. Which is exactly what we
12 said before, same set of services in both
13 practices.

14 Q. Was there any offering of any
15 plastic surgery services as you defined plastic
16 surgery at that time?

17 A. Yes.

18 Q. Plastic surgery was being offered
19 in 2001 by the Reflections of Livingston?

20 MR. PARADISE: Objection to form.

21 A. I don't remember the -- I don't
22 recollect the date that Reflections of
23 Livingston LLC was created. But Reflections of
24 Livingston LLC provided same sets of services
25 that Reflections Center for Skin and Body do.

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1 Board of -- you know, the general terminology of
2 plastic surgery encompasses both invasive and
3 noninvasive treatments for changing the
4 aesthetic, but also includes medical-based
5 procedures in addition.

6 Q. In 2001, were you engaging in
7 plastic surgery as part of your practice at your
8 office?

9 A. Define plastic surgery for me.
10 You keep on asking plastic surgery --

11 Q. Would you advertise in your -- on
12 your website or any literature --

13 A. 2001 we were performing laser hair
14 removal, microdermabrasion, skin and body
15 treatments, as the mark says, yes. We were
16 supplying those services in 2001.

17 Q. And would you have represented to
18 the public and to patients that you also provide
19 plastic surgery services at that time?

20 MR. PARADISE: Objection to form.

21 A. I just defined plastic surgery by
22 those services. Those are the services that we
23 would have offered.

24 Q. You can define it however you
25 want. I am asking, would you disclose to the

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1 terminology you are asking about, which is
2 plastic surgical services, prior to us hiring
3 the current plastic surgeon at our practice,
4 yes.

5 Q. Is that permissible in terms of
6 advertising for a medical doctor to
7 advertise -- I am asking a question -- to
8 advertise that you provide plastic surgery
9 services even though one is not -- has not gone
10 through training in plastic surgery or one has
11 not go through residency in plastic surgery?

12 MR. PARADISE: Objection to form.

13 THE WITNESS: I have an objection.
14 I can't answer that question because it's not a
15 proper question.

16 MR. KEYHANI: Repeat the question.

17 THE WITNESS: You made a
18 statement. That wasn't a question.

19 MR. KEYHANI: Well, you can
20 clarify, what is the problem you have with the
21 statement.

22 Repeat the question, please.

23 (The record was read as follows:

24 "QUESTION: Is that permissible
25 in terms of advertising for a medical

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1 doctor to advertise -- I am asking a
2 question -- to advertise that you provide
3 plastic surgery services even though one
4 is not -- has not gone through training
5 in plastic surgery or one has not go
6 through residency in plastic surgery?")

7 THE WITNESS: The question
8 is -- I'm not going to answer that question.
9 Because, number one, there were plastic
10 surgeon -- plastic by residency trained plastic
11 surgeons as part of our practice that preceded
12 the present -- the present plastic surgeon
13 that's in our practice.

14 BY MR. KEYHANI:

15 Q. Okay. That's all.

16 A. Back in the early 2000s we had
17 plastic surgeons there.

18 Q. Fine. But if you did not have a
19 physician who had training and residency and
20 plastic surgery, would it be -- would it be
21 permissible for you to advertise in your
22 practice --

23 A. Yes.

24 Q. -- that you offered plastic
25 surgery services even though nobody in your

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1 office had residency training in plastic
2 surgery? That's the question.

3 MR. PARADISE: Objection to form.

4 A. Plastic surgical services, number
5 one, as I've defined, I just defined. So, yes,
6 those services which fit in the category of
7 plastic surgical services have nothing to do
8 with training of the individual. So is that
9 legal? I'm not an attorney, but I would think
10 that certainly is legal and customary and the
11 standard of care, yes.

12 Q. I guess my question is not how you
13 define plastic surgery. I am asking --

14 A. If you define plastic surgery I
15 will tell you --

16 Q. I am asking is it as a medical
17 doctor -- you are a medical doctor and you know
18 your ethical and legal obligations as a medical
19 doctor, I assume, or at least you have an
20 understanding about them.

21 A. Yes, I do.

22 Q. As a medical doctor, as a
23 well-trained medical doctor --

24 A. Yes.

25 Q. -- is it appropriate -- I don't

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1 procedures? Like products that you need to use
2 or any kind of instruments, products? Things
3 like -- that are, like, get disposed of once
4 your procedure --

5 A. There are a number of categories.
6 There equipment service expense. There's
7 service contracts which go into the use of
8 machinery there. There's surgical supplies.
9 There's -- I'm looking for equipment expense.
10 So there's a multitude of categories that seem
11 to speak to your -- answer to your question.

12 MR. KEYHANI: How about we take a
13 little break here, if that's okay.

14 MR. PARADISE: Sure.

15 MR. KEYHANI: Thank you.

16 THE VIDEOGRAPHER: Off the record
17 4:30 p.m. This is the end of media unit 2.

18 (Break taken.)

19 THE VIDEOGRAPHER: Going back on
20 the record 4:59 p.m. This is the beginning of
21 media unit 3.

22 BY MR. KEYHANI:

23 Q. Dr. Chasin, when did you first
24 become aware of the plaintiff in this case? And
25 when I say "the plaintiff," I mean New

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1 Reflections Plastic Surgery LLC.

2 A. Roughly April of '16, roughly.

3 Q. How did you become aware of
4 their --

5 A. Our director of marketing noticed
6 it searching through the -- on the internet.
7 That's how she became aware of it.

8 Q. How do you search for competitors
9 in your business?

10 Let me ask you, do you search for
11 competitors in your business?

12 A. Do I or the office?

13 Q. I don't mean you personally, but
14 people that work with you. How do you go about,
15 I guess, figuring out who your competitors are
16 in your market space? When I say you --

17 A. Google pretty much controls the
18 universe at this point. So if search
19 terms -- if search terms reveal different
20 individuals from the search query, you know,
21 they can be online competitors.

22 Q. So what kind of Google search
23 terms do you use or does your marketing use to
24 find competitors in your practice?

25 A. I wouldn't know specifically what

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1 terms, but any term relating to the procedures
2 that are provided. So it could be "liposuction
3 New Jersey," it could be "Reflections Botox," it
4 could be -- anything. It can have the name of
5 the practice, which is consistent with the
6 branding. It could be someone searching by a
7 procedure that they are interested in.

8 Q. So generally by name of a
9 procedure would be the way they would search?

10 A. After 20 years, close to 20 years
11 of doing this, very often they are searching by
12 name of practice. So all the effort and money
13 that's gone into branding, people will search
14 "Reflections." That's -- there's less word of
15 mouth in a lot of these, and the internet has
16 dominated the information.

17 Q. They would just look for the term
18 "Reflections"?

19 A. "Reflections," and looking for --
20 if someone was having Botox, they may look at
21 "Reflections Botox." They may look at
22 "liposuction" and the state. They may
23 look -- there is a variety of different ways.

24 If the question is about
25 competitors, it's basically who comes up when

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1 people search.

2 Q. Prior to 2016 -- April 2016, did
3 you or anybody working for you search search
4 terms relating to Reflections on Google or any
5 other search engine?

6 A. I'm not aware of that. I'm not
7 aware. I can't answer that, whether they did or
8 didn't.

9 Q. Did you ever search before
10 2016 --

11 A. I have no recollection of putting
12 in "Reflections" and searching for our name. I
13 don't have a recollection of that.

14 Q. No recollection of doing a search
15 on "Reflections" prior to 2016?

16 A. Correct.

17 Q. What about doing searches on the
18 internet, Google or some other search engine,
19 for other procedures like you mentioned? Did
20 you do any of that, or somebody else working for
21 you?

22 A. Generally it's the marketing
23 individuals, that's part of my understanding,
24 searches. And where you show up -- it's mostly
25 where -- what kind of numbers you are showing up

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1 organically on a search, that's something that
2 they would typically report on.

3 Q. And over the past decade you or
4 other people working for you have never searched
5 and located the plaintiff's practice?

6 A. The first time it was brought to
7 my attention was April of 2016.

8 Q. Would it be surprising to you that
9 the plaintiff's name was -- practice was highly
10 optimized on Google years before?

11 MR. PARADISE: Objection to form.

12 A. How do you -- what does that mean,
13 they are highly optimized? I don't know --

14 Q. I will use the term -- they spent
15 a lot of money on internet marketing with Google
16 to get the ratings, to get -- to be placed high
17 up.

18 A. Was that in a paid search? Was
19 that organic search? Was there SCO? Were there
20 inbound lanes? There is a whole science -- if
21 you tell me what they were doing I will tell you
22 whether it seems that they were adhering to the
23 standard of care and should have done better.
24 But I don't know what that means.

25 Q. Well, all of the above. They are

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1 hiring the same type of individuals that do this
2 kind of search engine optimization, let's
3 say --

4 A. What level were they doing that?
5 You are asking me --

6 Q. The question is, I guess, would it
7 be surprising to you that they were highly
8 ranked on the various factors -- they were
9 easily accessible on the internet before April
10 2016?

11 MR. PARADISE: Objection to form.

12 A. What does that -- you are making a
13 statement, you are not asking. You are telling
14 me -- are you asking me -- I would have
15 thought --

16 Q. I am asking you -- would that be
17 surprising to you is the question?

18 MR. PARADISE: Objection to form.

19 A. I would have -- in my opinion,
20 which is just an opinion, I think they
21 are -- they have most likely ramped up their
22 efforts, used different companies. I don't know
23 what they did. But it seems that their -- their
24 exposure on the internet has increased.
25 So -- and good for them. Investing in that and

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1 they are learning new tactics or doing new
2 things, good for them. But my feeling is that's
3 why we are now noticing this problem, that it's
4 probably from those efforts are becoming
5 fruitful. Which is great for them, but it's
6 caused confusion.

7 Q. In 2009, 2010, do you recall doing
8 any Google search engine or other search engine
9 searches for the term "Reflections" or any
10 other -- you, yourself?

11 A. I don't -- myself, that's really
12 not where I'm spending my time, honestly.

13 Q. In 2008, 2009, 2010 period, did
14 anybody working for you do any search engine
15 searches for the term "Reflections" or other
16 procedure that you described that related to
17 your practice?

18 A. Nothing -- to my recollection, no
19 one has presented me with searching for
20 "Reflections" and what that -- you know, what
21 that -- what kind of results they gave. I've
22 never been produced -- I've never been handed
23 that.

24 Q. So you are not aware of anybody
25 yourself -- first of all, you never did any of

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1 those searches in 2008, 2009?

2 A. I have no recollection of doing a
3 search for -- I've done searches for my name.

4 Q. Sure.

5 A. But I don't have any recollection,
6 and no one is handing me a report saying I've
7 searched for "Reflections," this is what
8 it's -- this is what it's returned. It's just
9 not something you normally would do because
10 there's usually not a competitor for your name.

11 Q. And you never asked anybody that
12 worked for you to do any searches for
13 competitors using your name or procedures --

14 A. No.

15 Q. -- on the internet?

16 A. No.

17 Q. Not in 2008? Not in 2009?
18 2010?

19 A. To my recollection, I've never
20 asked someone to search for our name and see
21 what --

22 Q. Or the term "Reflections" itself,
23 let's say? Have you ever asked -- because your
24 name is a longer name, but you never asked
25 anybody to look for the term "Reflections" on

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1 the internet in 2008, 2009, 2010?

2 MR. PARADISE: Objection to form.

3 A. To my recollection, I don't -- I
4 don't remember ever asking someone to search for
5 "Reflections" -- "Reflections Center for Skin
6 and Body" or "Reflections."

7 Q. Or for any -- same question, or
8 for any procedure that you -- that your practice
9 does in that period between 2008 and 2010?

10 A. Searching -- that is --

11 Q. For terms like the various
12 procedures that you mentioned earlier that --

13 A. It would be customary -- can I
14 jump in, or no?

15 Q. Yes, go ahead.

16 A. It would be customary for us to
17 look for search results for procedures that we
18 do, yes.

19 Q. It would be. For procedures you
20 do?

21 A. Sure.

22 Q. And you would have done that in
23 2009 and 2010?

24 A. Yes. I would think we were
25 looking -- I mean, search engine -- search

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1 engine in -- we are talking about seven years
2 ago, looking at results of search engine queries
3 would be something that we would be doing seven
4 years ago. Yeah.

5 Q. At that time you would be looking
6 for terms that relate to procedures that you
7 provide?

8 A. Yes.

9 Q. And what are the terms that would
10 be used? The word "New Jersey" and
11 "liposuction," for example?

12 A. Yeah, that would be an example.

13 Q. Would it be more specific for a
14 city or just be -- just for the state,
15 New Jersey, liposuction?

16 A. More common -- distance with the
17 internet, it would be more common on the
18 internet to be searching more broadly.

19 Q. Like New Jersey, liposuction?

20 A. NJ.

21 Q. NJ or NY, NY? Or no?

22 A. Or NJ.

23 Q. But not necessarily a particular
24 town or city in NJ? Like --

25 A. Could -- more often you are

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1 looking at -- in 2007 you were looking --

2 Q. 2009, let's say.

3 A. 2009, broader, probably would have
4 been more common back then.

5 Q. And that's probably what you would
6 have done?

7 A. I don't --

8 Q. Not you personally. You or
9 somebody working --

10 A. You are asking -- I don't know
11 what they would have done. But it would be
12 customary to search for NJ with procedures that
13 you do. That's a customary thing.

14 Q. But you never asked anybody to do
15 that for you at that time, anybody working for
16 you to do that?

17 A. That's customary for someone that
18 is in marketing to look at search -- search.
19 And we've had companies that have done that for
20 us, that have -- you know, that have -- vendors
21 that do that and do a lot of that information.
22 So it's not done necessarily in-house.

23 Q. And plaintiffs were never
24 identified at that time?

25 A. No.

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1 Q. Are you a member of any
2 association of plastic surgeons -- that have
3 plastic surgeons in New Jersey?

4 A. Sure, yes.

5 Q. Which ones are you?

6 A. I'm in American Academy of
7 Cosmetic Surgery, American Society of Laser
8 Medicine and Surgery, Cosmetic Laser --
9 International Society of Cosmetic Laser
10 Surgeons, American Society of Liposuction
11 Surgery. Others are on the tip of my tongue.
12 But there would be people that have plastic
13 surgical residency training in those as part of
14 that list, yes.

15 Q. And you never came across --

16 A. No.

17 Q. -- the plaintiff or his
18 practice?

19 A. I have not.

20 Q. Have you sent out any cease and
21 desist letters to any other parties besides the
22 plaintiff in this case regarding trademark
23 infringement?

24 A. Not that I can recall.

25 Q. So the only person you sent a

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1 letter to ever on behalf of your practice was to
2 the plaintiff in this case, as far as you can
3 recollect?

4 A. I personally have not. I mean, at
5 the --

6 Q. I mean your lawyers. I don't mean
7 you personally, but you or your lawyers?

8 A. To the best of my recollection,
9 it's only that letter. I don't know of any
10 others.

11 Q. Who are the main competitors in
12 your practice area, would you say? Is there
13 particular businesses that are your main
14 competitors?

15 A. I would have to search online and
16 look at them. But, I mean --

17 Q. It would be online mostly you
18 could find your competitors?

19 A. Yeah. And they vary. You know,
20 sometimes they will vary depending on how much
21 effort, time, money goes into making your
22 presence known. And also, longevity. All
23 right. Longevity helps create exposure. And
24 searchability.

25 So just over time, by someone

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1 being active online, someone's exposure will
2 increase just by sheer time more than
3 anything.

4 Q. Do you get a lot of -- do you get
5 a lot of your patients from referrals, or does
6 it just come up from random searches on the
7 internet, would you say?

8 A. It's a combination. But a lot of
9 it is internet based. It's both, but --

10 Q. About how much percentage would
11 you say --

12 A. I don't know the exact number. I
13 don't know that.

14 Q. But both are important, referrals
15 and internet --

16 A. The internet -- new patients, the
17 internet is -- the most common source of new
18 patients is the internet.

19 Q. And these are people that never
20 heard of you or knew about you before?

21 A. These are patients that have heard
22 the name of our practice and have -- the
23 branding has -- you know, has effects that reach
24 a wide distance. So they are patients that come
25 in because they heard of us. There are people

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1 document, or at least what is -- at least what
2 is represented by Plaintiff's Exhibit 6. Go
3 back to the declaration at the end of this
4 document.

5 A. Okay.

6 Q. It says here that International
7 Class 44, the mark was first used as least as
8 early as December 10, 2004, and first used in
9 commerce at least as early as 12/10/2004.

10 You testified earlier that you
11 thought that your use of the name Reflections
12 Center for Skin and Body was earlier than that,
13 and you talked about it going back to more along
14 the lines of 2000. Which date is correct? Is
15 this date not correct here?

16 A. This date is not correct.

17 Q. You don't believe that this
18 declaration is yours?

19 MR. PARADISE: Objection to form.

20 A. I don't know what that means. Are
21 you asking me have I completed this?

22 Q. Yes.

23 A. No, I did not complete this. If
24 you are asking do I know anything about this?
25 No, I don't know anything about this. If you

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1 are asking did I authorize someone to do this?
2 I have no recollection of authorizing someone to
3 do this. If I did, 2004, there would be no
4 reason to artificially make that time less when
5 clearly -- I mean, even the state trademark was
6 registered four years before that. It makes no
7 sense.

8 Q. The state trademark was not
9 registered for New Reflections for Skin and
10 Body --

11 A. Not New Reflections --

12 Q. Excuse me. It was not registered
13 to Reflections Center for Skin and Body, it was
14 just for the term Reflections?

15 A. I am saying the date of that was
16 2001, if I am not mistaken.

17 Q. That was for the term
18 Reflections?

19 A. Correct.

20 Q. So we are talking about here
21 Reflections Center for Skin and Body.

22 A. But what you've told me is this is
23 a national -- this was a federal, correct,
24 and --

25 Q. That's correct.

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1 THE WITNESS: Are we asking what's
2 real or are we asking the declaration --

3 BY MR. KEYHANI:

4 Q. This declaration associated with
5 this application gives a first use date. Okay.
6 I am asking about that first use date.

7 MR. PARADISE: Objection to form.
8 You are misrepresenting the document.

9 MR. KEYHANI: You can object to
10 whatever you want, but you do not have a right
11 to have talking objections during the
12 deposition. The witness can testify to whatever
13 he feels is the accurate statement. But I am
14 asking a factual question.

15 A. All I can answer to is the
16 question of when we started using that mark, and
17 we started using that mark right around the year
18 2000. That's what I can testify to, which I've
19 said previously. This form, there is something
20 here about a date of 2004. I did not write
21 that, I did not authorize this, and I am not
22 aware of any of this. And in terms of
23 declaration, I don't see -- I don't understand
24 the -- how these things connect.

25 Q. So you are testifying under oath

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1 today that you did not -- you did not endorse or
2 put forth December 10, 2004, as a date of first
3 use --

4 Let me finish my question.

5 A. Go ahead.

6 Q. -- in connection with your
7 application for Reflections for Skin and Body?

8 A. Absolutely not, I did not use a
9 date of 2004, nor -- I can't even conceive of
10 why I would do that. That would seem to be
11 disadvantageous. So --

12 Q. And who unearthed and filed this
13 application?

14 A. That's for you -- that's why I
15 asked you to show me my signature.

16 Q. Who do you think filed this
17 application?

18 MR. PARADISE: Objection to form.

19 Q. As you sit here today who do you
20 think filed this application?

21 MR. PARADISE: Objection to form.

22 Q. You can answer the question.

23 A. I don't know. You are asking me
24 whether I did it. I did not do it. I did not
25 instruct our attorneys to do it. So I'm more

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1 than happy for you to tell me. But I am telling
2 you as much as I know.

3 Q. Even though it has your name, not
4 your partner's name?

5 A. That is not my signature.

6 Q. I didn't say your signature. I
7 said it has your name here and your address --

8 A. That's different.

9 Q. I understand. I said it has your
10 name, your address. And let me ask you, who is
11 Paula@ReflectionsCenter.com?

12 A. Show me where to look.

13 Q. At the bottom,
14 Paula@ReflectionsCenter.com. Who is Paula?

15 A. There was a Paula that was a
16 office manager for a fairly short period of
17 time. I don't know the exact --

18 Q. For who?

19 A. For Reflections, for the practice.
20 She was an office manager, office staff.

21 Q. And she submitted this on your
22 behalf?

23 A. You can't do that. You asked me
24 that three times. Three times I said I did not
25 instruct anyone to do that, and you just asked

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1 me --

2 Q. I am asking if Paula did it on
3 your behalf?

4 A. I never --

5 MR. PARADISE: Objection to form.

6 A. -- instructed anyone to apply for
7 federal trademark. I said that many times. I
8 don't know what you want me to do. So there is
9 a Paula there. There was a Paula -- I don't
10 know that was the Paula, but there was a Paula
11 that was an office manager at our practice years
12 ago.

13 Q. Which practice was she office
14 manager of?

15 A. Reflections Center for Skin and
16 Body.

17 Q. The International Class here --
18 under International Class it says -- and I've
19 heard your testimony, but it says -- my question
20 is were these the services that Reflections
21 Center for Skin and Body offered at that time?
22 And it says here health spa services, namely,
23 laser treatments for acne, rejuvenation, scars,
24 tattoo removal, and for facials and massage.

25 MR. PARADISE: Objection to form.

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1 A. Can you just show me where I am
2 looking.

3 Did we provide those services at
4 Reflections? Yes.

5 Q. This is an accurate description of
6 the services provided at that time?

7 A. That's not --

8 MR. PARADISE: Objection to form.

9 A. That's a -- that's some of the
10 services. That's a fraction of, you know, the
11 services we provided. But we did provide those
12 services. And you said the date of this was
13 2008? Is that what you said?

14 Q. It says at the top here filing
15 date 10/4/2008.

16 A. So did we provide those services
17 in 2008? I would say yes.

18 MR. KEYHANI: Let's take a
19 few-minute break and then we can see if we're
20 almost done.

21 THE VIDEOGRAPHER: Off the record
22 5:35 p.m.

23 (Break taken.)

24 THE VIDEOGRAPHER: Back on the
25 record 5:45 p.m.

DR. MITCHELL CHASIN

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1 MR. KEYHANI: The plaintiff at
2 this time doesn't have any further questions
3 unless there is some redirect and then there is
4 some recross.

5 MR. PARADISE: I don't have any
6 questions.

7 MR. KEYHANI: Okay. Then we are
8 done for the day. Thank you.

9 THE VIDEOGRAPHER: Going off the
10 record 5:45 p.m. This concludes today's
11 testimony of Dr. Mitchell Chasin. There are
12 three media units, they will be retained by
13 Veritext.

14 (Time noted: 5:45 p.m.)
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